

**REGULAR MEETING
CITY COUNCIL
May 4, 2006**

ROLL CALL:

MR. WOJCIK, MR. MCGRATH, MR. RYAN, MR. DUNNE, MR. KROGH, MRS. COLLIER, MR. CAMPANA, MRS. MAHAR
DERGURAHIAN, PRESIDENT BAUER

ABSENT:

Ordinance No. 1 **Date** May 4, 2006
Introduced by Council Members Wojcik and Collier **Seconded by** McGrath
Motion to Amend by Council Member DerGurahian **Seconded by** Campana

ORD # 1

ORDINANCE AMENDING CHAPTER 124-9 "DANGEROUS DOGS"

The City of Troy, convened in City Council, ordains as follows:

Section 1. Chapter 124-9 of the Troy City Code Ordinances, "Dangerous Dogs", is hereby amended and shall read as follows:

AS DEFINED IN SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF.

Section 2. This act shall take effect immediately.

Approved as to form, April 20, 2006

David B. Mitchell, Corporation Counsel

Motion to AMEND ADOPTED by the following vote:

Ayes: 7

Noes: 2 – Wojcik, McGrath

Abstain: 0

Ordinance as AMENDED ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 05-05-06 for Executive Action – Approved and returned 05-08-06

SUPPORT DOCUMENTATION FOLLOWS:

§ 124-9. Dangerous dogs. [Amended 9-3-1987; 3-3-1988; 7-1-1993; 12-5-2002 by Ord. No. 4; 1-2-2003 by Ord. No. 7]

A. Definition. As used in this section, “dangerous dogs” shall mean and include:

- (1) Any **dog** with known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or animals; or
- (2) Any **dog** which attacks, threatens or endangers a human being or animal without provocation; or
- (3) Any **dog** owned or harbored primarily or in part for the purpose of **dog** fighting or any trained for **dog** fighting.

B. Dangerous dogs.

- (1) No person owning or harboring or having the care or custody of a dangerous **dog** shall suffer or permit such **dog** to go unconfined on the premises of such person. Under this section a dangerous **dog** is unconfined if such a **dog** is not securely confined indoors or confined in a securely enclosed and locked pen or a **dog** run area upon the premises of said person. Such pen or **dog** run area must also have either sides six feet high or a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one foot.
- (2) No person owning or harboring or having the care of a dangerous **dog** shall suffer or permit such **dog** to go beyond the premises of such person unless such **dog** is securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.
- (3) No person shall own or harbor any **dog** for the purpose of **dog** fighting, or train, torment, badger, bait or use any **dog** for the purpose of causing or encouraging said **dog** to unprovoked attacks upon human beings or domestic animals.
- (4) No person shall possess with the intent to sell, offer for sale, breed or buy or attempt to buy within the City any dangerous **dog**.
- (5) Any person owning, harboring, or having the care or custody of a dangerous **dog** shall display a sign on his/her premises warning that there is a dangerous **dog** on the premises. Said sign shall be visible and capable of being read from the public right-of-way.
- (6) Any person owning, harboring or having care or custody of a dangerous **dog** shall provide liability insurance in the amount of at least \$100,000 covering any damages or injury caused by such dangerous **dog**.
- (7) Registration. The City Clerk or his/her designee shall require the owner of a dangerous **dog** to register such **dog** with the City Clerk. The application for such registration shall contain the name and address of the owner, the breed, age, sex, color and any other identifying marks of the **dog**, the location where the **dog** is kept if not the address of the owner and any other information which the City Clerk or his/her designee shall require. The application for registration pursuant to this subsection shall be accompanied by a registration fee of \$30. Each **dog** registered pursuant hereto shall be assigned an official registration number by the City Clerk. Such registration number shall be tattooed at the owner's expense in the manner prescribed by the City Clerk. The certificate of registration shall be of such form and design and shall contain such information as the City Clerk shall prescribe and shall be issued to the owner upon payment of the registration fee and presentment of sufficient evidence that the owner has complied with all the orders of the City Clerk as prescribed at the determination hearing.

C. Enforcement. In the event a law enforcement officer has probable cause to believe that a dangerous **dog** is being harbored or cared for in violation of Subsection B, the law enforcement agent may petition a court of competent jurisdiction to order the seizure and impoundment of the dangerous **dog** pending trial. In the event that a law enforcement officer has probable cause to believe that a dangerous **dog** is being harbored or housed in violation of Subsection B(2) and (3), the law enforcement officer may seize and impound the dangerous **dog** pending trial.

D.

Penalty.

- (1) Any person violating this section shall be punished by a mandatory fine. Said fine shall be set at no less than \$500 and no more than \$1,000 **(and/or a minimum of thirty days in jail)** ~~or one year in jail, or both.~~ Each separate offense shall constitute an additional violation. *Editor's Note: Amended at time of adoption of code (see Ch. 1, General Provisions, Art. I).*
- (2) Any dangerous **dog** which attacks a human being or animal **(shall)** ~~may~~ be ordered destroyed.
- (3) Any person found guilty of violating this section shall **(1)** pay all expenses, including shelter, food and veterinary expenses necessitated by the seizure of any **dog** for the protection of the public, **(2) all veterinary and medical expenses incurred by victims of such an attack**, and **(3)** such other expenses as may be required for the destruction of such **dog**.
- (4) Any person that is convicted under this section will be permanently precluded, at the discretion of the Troy Police Department and the Troy Animal Control Officer, from owning, possessing or harboring any other dog within city limits. All violators shall be subject to the penalties expressed in this section.**

Ordinance No. 2 Date May 4, 2006
 Introduced by Council Member Collier
 On the recommendation of Planning Board Seconded by Ryan

ORD. #2

ORDINANCE AUTHORIZING THE DISCONTINUANCE AND CLOSING OF A PORTION OF AN UNAMED PAPER STREET

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City Council hereby authorizes the discontinuance and closing of an unnamed Paper Street (alley) between 15th Street and Richmond Street, more specifically defined in Schedule "A" attached hereto and made a part hereof.

Section 2. The City of Troy hereby determines that the property owned by the City, more particularly described in Schedule "A", annexed hereto, is no longer needed for City purposes and therefore is declared surplus property.

Section 3. It is hereby directed, pursuant to Chapter 83 of the City Charter and Section 20 of the General City Law, that said property is to be offered for sale consistent with all laws applicable to the sale of surplus property held by the City.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, April 20, 2006

 David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 05-05-06 for Executive Action – Approved and returned 05-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 3 **Date** May 4, 2006

Introduced by Council Member Bauer

At the request of Administration **Seconded by** Dunne

ORD. #3

ORDINANCE AMENDING THE 2006 CITY BUDGET TO ACCEPT INSURANCE FUNDS FOR REIMBURSEMENT BY VERIZON FOR THE PURPOSE OF REPLACING DAMAGED FIRE DEPARTMENT RADIO CARDS

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2006 Budget is hereby amended to accept insurance funds paid to the City by Verizon for damages to the Fire Department radios and appropriating those funds to the Fire Department Materials and Supplies line to cover necessary purchases of new radio cards as per the attached Schedule “A” entitled:

“Fire Department Insurance Recovery”

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form,

David Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 05-05-06 for Executive Action – Approved and returned 05-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 4 **Date** May 4, 2006

Introduced by Council Member _____

At the request of Administration **Seconded by** DerGurahian

**ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE
REAL PROPERTY FROM PORTEC RAIL PRODUCTS, INC.**

The City of Troy, convened in the City Council, ordains as follows:

Section 1. The proposed purchase of this parcel of Real Property is pursuant to City Charter C-73(C).

Section 2. The Mayor is desirous of the City taking a fee interest in a parcel located at 77 Water Street, Troy with the intention of this acquisition being the preservation of this parcel for historical and environmental purposes.

Section 3. This parcel is a +/- 4.9-acre parcel that runs along Mill Street and is termed the "Mill Street Dam Property" and is more specifically described in schedule "A" and accompanying photos, attached hereto and made a part hereof.

Section 4. The property defined herein is necessary for the municipal purpose of Historical and Environmental preservation for the Citizens of the City of Troy.

Section 5. After careful deliberation and consideration, the City Council hereby authorizes the Mayor to negotiate the purchase contract, in the amount of \$1.00 and to take all necessary and essential actions to finalize this deal and close title on this purchase.

Section 6. This act shall take effect immediately.

Approved as to form, April 26, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 05-05-06 for Executive Action – Approved and returned 05-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 5 Date May 4, 2006
Introduced by Council Member Bauer
At the request of Administration Seconded by Dunne

**ORDINANCE AMENDING THE TROY CITY CODE OF ORDINANCES CHAPTER 285-67
"ZONING DISTRICT REGULATIONS"**

The City of Troy, convened in City Council, ordains as follows:

Section 1. Article IV of Chapter 285 of the Troy City Code Ordinances, "Zoning District Regulations", is hereby amended adding the following sentence to the end of the paragraph in subsection "D" as follows:

285-67

D.

... The entirety of Chapter 285(D), hereinabove, shall not apply, in any manner, to any proposed expansion of a School and/or Church, or any part thereof, in a non-conforming zone.

Section 2. This act shall take effect immediately.

Approved as to form, April 28, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 05-05-06 for Executive Action – Approved and returned 05-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. <u>6</u>	Date <u>May 4, 2006</u>
Introduced by Council Member <u>Bauer</u>	
At the request of <u>Administration</u>	Seconded by <u>Krogh</u>
Motion to Amend by Council Member <u>DerGurahian</u>	Seconded by <u>Collier</u>

ORD. #6

**ORDINANCE AUTHORIZING AND APPROVING THE FILING
OF THE CITY OF TROY'S APPLICATION FOR FUNDS PURSUANT TO THE
HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, THE MCKINNEY ACT
EMERGENCY SHELTER GRANT PROGRAM AND THE HOME INVESTMENT PARTNERSHIP
PROGRAM AND DESIGNATING THE MAYOR AS THE AUTHORIZED REPRESENTATIVE OF
THE CITY FOR SUCH PURPOSES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy's consolidated plan grant funding for 2006-2007 program year is set forth in the notice of proposed project funding, identified as Schedule A, which is attached hereto and made a part hereof. The Mayor on behalf of the City of Troy be and hereby is designated as the authorized representative of the City of Troy to act in connection with the filing of an application for funds pursuant to the

United States Housing and Community Development Act of 1974, the McKinney Act Emergency Shelter Grant Program, and the HOME Investment Partnership Program.

Section 2. The Mayor, on behalf of the City of Troy, is hereby authorized to execute all contracts, documents, and other instruments in furtherance of implementing all projects associated with and described in such application and to use such funds pursuant to such application as described in the attached Schedule A and undertake other such actions and provide such additional information as may be required in furtherance thereof.

Section 3. This act will take effect immediately.

Approved as to form, April 28, 2006

David B. Mitchell, Corporation Counsel

Motion to AMEND ADOPTED by the following vote:

Ayes: 8

Noes: 1 - Dunne

Abstain: 0

Ordinance as AMENDED ADOPTED by the following vote:

Ayes: 8

Noes: 1 - Dunne

Abstain: 0

Sent to the Mayor 05-05-06 for Executive Action – Approved and returned 05-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 7 **Date** May 4, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Krogh

ORD. #7

**ORDINANCE AUTHORIZING AND DIRECTING SALE OF CITY OWNED
 REAL PROPERTY PURSUANT TO CHAPTER 83 OF THE TROY CITY CODE**

The City of Troy, in City Council convened, ordains as follows:

Section 1. Pursuant to Chapter 83 of the Code of Ordinances, the Bureau of Surplus Property has been seeking proposals for the a property located at 43 Third Street for well over one year. On April 26, 2006, the Bureau of Surplus Property received and accepted a proposal from SCC Development, Mr. Charles Jewett-Principal, on the above-entitled property. The proposal submitted is attached hereto and made a part hereof.

Section 2. The Mayor is hereby authorized and directed to sell and convey the hereinafter described real property to the following named purchaser for the sum below indicated which is hereby determined to be a fair price for the same without the necessity of competitive bidding and upon the terms and conditions set forth below.

Section 3. The purchaser, purchase price and terms and conditions of sale are as follows:

PURCHASER: SCC Development, Charles Jewett-Principal

PURCHASE PRICE: \$ **4,000.00** in certified funds, plus all closing costs as determined by the City.

TERMS AND CONDITIONS:

- A. Within thirty (30) days of the effective date of this ordinance the purchaser shall pay the purchase price, plus advertising cost and payment in lieu of City taxes through **December 31, 2006**, and Troy School taxes **through June 30, 2006**, and execute a contract setting forth the conditions of sale as outlined in the annexed proposal and guaranteeing performance.
- B. Upon the 1st day of **January 2007**, taxes and other assessments shall become due and payable by the purchaser **except all water and sewer rents, which shall be charged from the date of this conveyance.**
- C. This conveyance is made subject to the condition that the **structure be repaired** in conformance with the building, housing and fire prevention codes within eighteen (18) months after the date of purchase. If the purchaser, his successor, or assigns shall fail to comply with this condition the City of Troy has a right to re-enter the property without refunding the purchase price or any reimbursement for the cost of any renovations to the building.
- D. Purchaser shall be liable for and pay all closing costs related to this sale including, but not limited to: filing fees, deed stamps, advertising fees and attorneys fees.

Section 4. The said real property is described as follows: 43 Third Street, Troy. (f/k/a: "The Trojan Hotel").

Section 5. The City Treasurer is hereby authorized to cancel any and all taxes and tax sale certificates now in existence except water and sewer rents, which have not become liens and the City Treasurer is authorized to make appropriate notations upon the books and records of the City of Troy.

Section 6. This Ordinance shall take effect immediately.

Approved as to form, April 28, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 05-05-06 for Executive Action – Approved and returned 05-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 1 Date May 4, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by DerGurahian, Ryan

RES. #1

**RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF
 TROY TO SUBMIT A GRANT APPLICATION TO NEW YORK STATE OFFICE OF PARKS,
 RECREATION AND HISTORIC PRESERVATION
 FOR IMPROVEMENTS TO KNICKERBACKER PARK**

WHEREAS, the City of Troy desires to improve the appearance and enhance the amenities available to the public at Knickerbacker Park; and

WHEREAS, the State of New York Department of Parks, recreation and Historic preservation administers the Parks Development Grant Program that would assist in accomplishing this objective.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Troy hereby authorizes and directs the Mayor of the City of Troy, or his authorized representative, to file the application for grant funding, on behalf of the City, pursuant to the grant application, for Funds from the New York State Office of Parks Recreation and Historic Preservation in accordance with Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$40,000.00. Upon approval of the above grant the Mayor, or his authorized representative is authorized to enter into and execute a project agreement with the State for such financial assistance to the City for establishing the aforementioned Park improvements and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

Approved as to form, April 28, 2006

 David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 05-05-06 for Executive Action – Approved and returned 05-10-06

Resolution No. 2 Date May 4, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by Dunne

RES. #2

RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF TROY TO EXECUTE A LICENSE AGREEMENT WITH THE EMMA WILLARD SCHOOL ALLOWING THE SCHOOL TO USE A PORTION OF THE CITY-OWNED RIGHT-OF-WAY AT THE INTERSECTION OF ELMGROVE AVENUE AND CORNING AVENUE TO REDESIGN THE ENTRANCE WAY TO THE SCHOOL

WHEREAS, the Emma Willard School desires to redesign and reconstruct the entrance way to the School at the intersection of Elmgrove Avenue and Corning Avenue within the City of Troy municipal limits, and

WHEREAS, the Emma Willard School requires the use of a small portion of land within the City Right-of-Way, and owned by the City, in order to accommodate the engineering design change, and

WHEREAS, the City of Troy has reviewed the plans proposing the change and finds the change acceptable and is desirous of allowing the modification to occur prior to the start of the 2006 school year, and

WHEREAS, the Emma Willard School, in consideration of the issuance of the aforementioned license, has agreed to defend and indemnify the City of Troy, for any and all claims or suits alleging a design defect as a cause of any accident in the aforementioned intersection.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Troy hereby authorizes and direct the Mayor of the City of Troy to execute a license agreement, in substantial conformance with the license agreement and engineering map attached hereto and made a part hereof, with the Emma Willard School for the redesign and reconstruction of the intersection of Elmgrove Avenue and Corning Avenue.

Approved as to form, April 28, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 05-05-06 for Executive Action – Approved and returned 05-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 3 Date May 4, 2006
Introduced by Council Member Ryan
At the request of _____ Seconded by McGrath

RES. #3

**RESOLUTION AUTHORIZING DAVID N. GREENWOOD TO
PERFORM A MARRIAGE OF HIS FRIENDS WITHIN THE
JURISDICTIONAL LIMITS OF THE CITY OF TROY**

WHEREAS, Mr. Greenwood is a resident of the City of Troy, and

WHEREAS, Mr. Greenwood desires to perform a marriage of his friends within the jurisdictional limits of the City of Troy; and

WHEREAS, Council Member Peter Ryan desires to allow Mr. Greenwood to perform the above-entitled marriage; and

WHEREAS, the effect of this resolution in no way provides any authority, expressed or implied, under Chapter 11 of the Domestic Relations Laws of the State of New York.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Troy hereby authorizes David N. Greenwood to perform a marriage of his friends within the jurisdictional limits of the City of Troy.

Approved as to form, April 28, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 05-05-06 for Executive Action – Approved and returned 05-10-06

Resolution No. 4 Date May 4, 2006

Introduced by Council Member Bauer

At the request of Administration Seconded by McGrath

Motion to Amend by Council Member Krogh, Campana

At the request of _____ Seconded by McGrath

RES. #4

RESOLUTION APPOINTING COMMISSIONER OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons, as identified in Schedule "A", attached hereto and made a part hereof, Commissioners of Deeds for the City of Troy for the terms identified in Schedule "A".

Approved as to form, April 28, 2006

David B. Mitchell, Corporation Counsel

Motion to AMEND ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Resolution as AMENDED ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 05-05-06 for Executive Action – Approved and returned 05-10-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Motion to adjourn by Dunne

Meeting adjourned at 8:42pm.